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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

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5
6 FEDERAL NATIONAL MORTGAGE
ASSOCIATION, *et al.*,

7 Plaintiffs,

8 vs.

9 CHANNA CALOS, *et al.*,

10 Defendants.

2:18-cv-00017-JCM-VCF

ORDER

11 Before the Court is the Motion to Serve Defendant Channa Calos by Publication and Mail (ECF
12 No. 24).

13
14 **Service By Publication**

15 Pursuant to Fed. R. Civ. P. 4(e)(1), “an individual – other than a minor, an incompetent person, or
16 a person whose waiver had been filed – may be served in a judicial district of the United States by
17 following state law for serving a summons in an action brought in courts of general jurisdiction in the state
18 where the district court is located or where service is made.” Under Rule 4(e)(1) of the Nevada Rules of
19 Civil Procedure, “when the person on whom service is to be made resides out of the state, or has departed
20 from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid
21 the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge
22 thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action
23 exists against the defendant in respect to whom the service is to be made, and that the defendant is a
24 necessary or proper party to the action, such court or judge may grant an order that the service be made
25 by the publication of summons.”

1 Plaintiff asserts that after diligent effort, it is unable to serve Channa Calos. In support of this
2 assertion, Plaintiff provided the court with the Affidavit of Due Diligence. (ECF No. 24 at p. 14).

3 The process servers have attempted service six times between April 6, 2018 to April 19, 2018. *Id*
4 at p. 15. Records indicate that she still resides at 334 Dune Ridge Avenue, N. Las Vegas, Nevada 89031.

5 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
6 service by publication of the Summons and Amended Complaint is warranted on Channa Calos. Pursuant
7 to Rule 4(e)(1)(iii), the publication must be made in a newspaper, published in the State of Nevada, for a
8 period of 4 weeks, and at least once a week during said time. Nev. R. Civ. P. 4(e)(1)(iii).

9 **Extension For Service**

10 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
11 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
12 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

13 Plaintiff asserts that additional time is required to effect service, and asks this court to extend the
14 4(m) deadline an additional 90 days. *Id* at p. 5.

15 Given that Plaintiff has demonstrated “good cause” for its failure to effectuate service, the court
16 will extend the 4(m) deadline, up to and including October 29, 2018. See Fed. R. Civ. P. 4(m).

17 Accordingly, and for good cause shown,


18 IT IS HEREBY ORDERED that Motion to Serve Defendant Channa Calos by Publication and
19 Mail (ECF No. 24) is GRANTED.

20 IT IS FURTHER ORDERED that Plaintiff is permitted to serve Calos by publication. A copy of
21 the summons and complaint must be mailed to Calos at her last known address by certified U.S. Mail,
22 return receipt requested.

1 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
2 and (iii), the Summons on Channa Calos in this action must be served by publication in a newspaper,
3 published in the state of Nevada, for a period of four weeks and at least once a week during that time.

4 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
5 including October 29, 2018 for Defendant Channa Calos.

6 DATED this 31st day of July, 2018.

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8 CAM FERENBACH
9 UNITED STATES MAGISTRATE JUDGE
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